

**AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK AMENDING
AND SUPPLEMENTING CHAPTER 147 "CONSTRUCTION CODE; UNIFORM"
TO ADD NEW SECTIONS 147-2 AND 147-3 RESPECTIVELY ENTITLED
"CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF CONTINUED
OCCUPANCY" AND "FEES" AND TO RE-CODIFY THE REMAINING SECTIONS**

BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that Chapter 147 "Construction Codes; Uniform" is hereby amended to add new Sections 147-2 entitled "Certificates of Occupancy and Certificates of Continued Occupancy," and 147-3 "Fees", and to re-codify the remaining sections, as follows:

§ 147-2 Certificates of Occupancy and Certificates of Continued Occupancy.

A. Certificate of Occupancy. (CO)

Pursuant to the provisions of §205-138B of the Code of the Township of North Brunswick, a Certificate of Occupancy is required as a precondition for the occupancy of any new building, structure, or land and must be issued by the Construction Official with the approval given by the Zoning Officer. In addition, the Fire Marshall shall issue a Fire Certificate of Compliance Permit for all new non-residential uses other than one and two family homes

B. Certificate of Continued Occupancy Required. (CCO)

1. A Certificate of Continued Occupancy is the document issued by the Township of North Brunswick upon the determination that a dwelling is fit for human habitation in accordance with the provisions of the Uniform Construction Code, Ordinances of the Township of North Brunswick, and the Rules, Regulations and Laws of the State of New Jersey.
2. No owner, agent or broker shall sell, transfer or grant with right of occupancy, whether or not for consideration, any residential dwelling, unit or premises on which a building is located and used for human occupancy, unless a Certificate of Continued Occupancy is first obtained from the Construction Code Official by use of the appropriate application and fees provided herein. The owner shall afford the Construction Official the opportunity to inspect the structure and premises and shall consent to inspection.
3. The owner of the residential dwelling unit is hereby charged with the responsibility for making written application in accordance with this ordinance for a CCO. The buyer of such dwelling unit may waive the seller's responsibility and assume the same; provided, however, that such waiver shall be in writing, which said waiver shall further state that the buyer is fully aware that he, she or it is assuming responsibility for

obtaining a CCO pursuant to this ordinance, and provided further that such written waiver shall be filed with the Construction Official.

4. The Construction Official shall issue a residential Certificate of Continued Occupancy, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate shall evidence only that a general inspection of the visible parts of the building or structure has been made and that no violations of N.J.A.C. 5:23-2.14, as amended (Construction Permits When Required), and N.J.A.C. 5:23-2.18, as amended (Required Inspections), have been determined to exist, no conditions of violation of N.J.A.C. 5:23-2.32, as amended (Unsafe Structures), or unsafe conditions have been observed and no violations of the Code of the Township of North Brunswick have been found to exist.
5. If the Construction Official, as the result of a permit records search and a general inspection of visible parts of the structure, finds any violation as set forth in Subsection 4, he shall notify the owner of the violation in writing by mail, or by delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action, along with compliance date. The notice will require the owner to satisfy the violations, file any necessary permits as required, and state that failure to correct the violations within the time specified shall result in fines as prescribed in the Uniform Construction Code.
6. A Certificate of Continued Occupancy shall be effective for a period of 120 days. One administrative extension of not more than 30 days may be granted by the Construction Official. If a dwelling fails to sell, transfer or grant with right of occupancy within this period, and the dwelling remains for sale, the owner shall make written application and obtain a new CCO.
7. If the application for a certificate states that the dwelling unit is not intended for residential occupancy or human habitation, the Construction Official may waive the requirement for a Certificate of Continued Occupancy.

§ 147-3 Fees.

The Township of North Brunswick shall charge fees in accordance with fees established in the regulations for the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1 and 5:23A-1 et seq), specifically Subsection 5:23-4.20, Departmental Fees, adopted and supplemented pursuant to the Department of Community Development Fee Schedule as adopted by Resolution of the Township of North Brunswick.

A. Certificate of Occupancy. The fee for a Certificate of Occupancy (CO) shall be 5% of the permit fee. The minimum fee shall be \$100.00 for R-5 Residential Use Group and \$200.00 for all other use groups. The fee for the certificate of occupancy must be paid prior to the issuance of a temporary or final certificate of occupancy. If the temporary certificate of occupancy expires prior to the issuance of the final certificate of occupancy, a fee of 50% of the original certificate of occupancy will be required.

B. Certificate of Continued Occupancy. The fee for a Certificate of Continued Occupancy (CCO) for detached residential dwellings (including one, two, three and four-family dwellings) shall be \$150.00. The fee for a certificate of occupancy for attached multi-family dwellings, commonly referred to as townhomes or condominiums, shall be \$125.00.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage and publication on January 1, 2016 in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the Ordinance amending and supplementing Chapter 147 "Construction Code; Uniform to establish §147-2 Certificates of Occupancy and Certificates of Continued Occupancy" and to re-codify the remaining sections.